

EXHIBIT 30

December 18, 2008 Deposition of Thomas P. Strain

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION, ATLANTIC COUNTY
DOCKET NUMBER F-10209-08

BANK OF NEW YORK as : DEPOSITION OF:
Trustee for the :
Certificate Holders CWABS, : THOMAS P. STRAIN
INC. Asset-Backed :
Certificates, Series :
2005-AB3, :
Plaintiff :
vs :
VICTOR and ENOABASI UPKE, :
Defendants :

Thursday, December 18, 2008

R E P O R T E D B Y:

NANCY J. SANTORELLA, Certified Court Reporter of the
State of New Jersey, (License No. 1075) on the above date,
commencing at 3:25 p.m. at the law offices of South Jersey
Legal Services, 745 Market Street, Camden, New Jersey.

THOMAS P. STRAIN

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION, ATLANTIC COUNTY
OCKETT NUMBER 3-10289-08

BANK OF NEW YORK : DEPOSITION OF:
Trustee for the
Certificates Holders CNAB3, : THOMAS P. STRAIN
LPC, Asset-Backed
Certificates, entitled
2005-AB3,
Plaintiff

vs

Victor and Enesbaas Upke,
Defendants

Thursday, December 13, 2006

RECORDED BY:

MARCY J. BANTOREK, Certified Court Reporter of the
State of New Jersey, (License No. 1075) on the above date,
commencing at 3:25 p.m. at the law office of South Jersey
Legal Services, 745 Market Street, Camden, New Jersey.

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1 APPEARANCES
2 WHELAN, HALLIGAN & SPINNING, LLP
3 BY BRIAN F. BLAKE, ESQUIRE
4 For the Plaintiff
5 SOUTH JERSEY LEGAL SERVICES, INC.
6 BY ABIGAIL SULLIVAN, ESQUIRE
7 For the Defendants
8 WELLENT, GOLDMAN & SPITZER, P.A.
9 BY DASHIMA P. WELLINGTON, ESQUIRE
10 For Thomas P. Strain
11 ALSO PRESENT
12 CHERYL SPENCER, Paralegal
13 South Jersey Legal Services
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THOMAS P. STRAIN, having been duly sworn, was
examined and testified as follows:

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MS. WELLINGTON: And before we begin I'd just
like to put a preliminary statement on the record just
for everybody's clarity and for Tom's clarity too.
Thomas Strain is here as a fact witness. Mr. Strain
is not a party to this litigation nor is his employer,
Full Spectrum Services. So just to clarify that he's
here today mainly as a fact witness.

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MS. SULLIVAN: Okay. Thanks.

11 BY MS. SULLIVAN:

12 Q. Mr. Strain, my name is Abigail Sullivan. I'm an
13 attorney here at South Jersey Legal Services and I represent
14 Victor and Enesbaas Upke. They are the homeowners in this
15 case. The case is a foreclosure case. And Mr. Strain, you
16 were subpoenaed here today; is that right?

17 A. Uh-huh.

18 MS. WELLINGTON: Objection. Actually Mr.
19 Strain was not subpoenaed. He was served with, at
20 least what I have, which is a notice of deposition.
21 We agreed to have Mr. Strain appear because it's my
22 understanding there was an Order from Judge Todd --

23 MS. SULLIVAN: There was.

24 MS. WELLINGTON: -- saying that the notary was
25 to be deposed. So Mr. Strain is here pursuant to a

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7

1 notice of deposition, although he is not a party to
 2 this case.

3 MS. SULLIVAN: Okay. Thank you for clarifying
 4 that.

5 Q. Mr. Strain, you're here based on a notice of
 6 deposition; is that correct?

7 A. Yes.

8 Q. And did you have a chance to look at the notice of
 9 deposition?

10 A. Yes.

11 Q. And do you understand what a deposition is?

12 A. Somewhat.

13 Q. Have you ever been deposed before?

14 A. No.

15 Q. Well, essentially what is going to happen today is I'm
 16 gonna ask you questions and you're going to answer them under
 17 oath. You have your attorney here today who will basically be
 18 representing your interest and that of Full Spectrum Services
 19 I guess. And in this deposition your answers are under oath.
 20 So you understand what the penalty of perjury is?

21 A. (Witness nodding).

22 MS. WELLINGTON: You need to say yes verbally.

23 Q. Yes, that's one thing. All your answers need to be
 24 verbal. That would be yes or no. Do you understand that?

25 A. Yes.

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8

1 Q. So you understand that you're swearing under the
 2 penalty of perjury?

3 A. Yes.

4 Q. Are you taking any medications today that would affect
 5 your ability to answer my questions?

6 A. No.

7 Q. And you are represented by counsel?

8 A. Yes.

9 Q. And she's here today?

10 A. Yes.

11 Q. And did your counsel tell you what to say today?

12 A. No.

13 Q. And did she tell you what to bring today?

14 A. Yes. I mean I brought myself.

15 Q. Did you bring any documents with you today?

16 A. No.

17 Q. And what documents did you review in preparation for
 18 your deposition testimony today?

19 A. Nothing.

20 Q. Nothing? Okay. And who did you speak to in
 21 preparation for your testimony today?

22 MS. WELLINGTON: And before you answer I just
 23 want to caution you. You are not to disclose the
 24 contents of any discussions that you may or may not
 25 have had with counsel, which would include me or any

1 other attorneys that you can identify. You can give
 2 names but not the substance of any discussions.

3 THE WITNESS: Okay.

4 Q. And so who did you speak to in preparation for your
 5 deposition testimony today?

6 A. Dashiqa and Brian.

7 Q. Did you speak to anybody else?

8 A. No.

9 Q. Did you speak to any non-attorneys?

10 A. No.

11 Q. Who is your employer, Mr. Strain?

12 A. Full Spectrum Services.

13 Q. And what is your position with your employer?

14 A. I supervise the process service department.

15 Q. And how long have you worked for Full Spectrum
 16 Services?

17 A. About three and a half years.

18 Q. Where did you work prior to working with Full Spectrum
 19 Services?

20 A. Ruhling's Seafood.

21 Q. What are your day-to-day duties with Full Spectrum?

22 A. Answer a lot of e-mails. I'm more or less like a
 23 go-between between Phelan, Hallinan and Schmeig and our field
 24 processors. I notarize affidavits, logging different things
 25 in.

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8

1 Q. Do you acknowledge assignments?

2 A. Yes.

3 Q. And how many have you done for Phelan, Hallinan and
 4 Schmeig?

5 A. I was notarizing maybe on an average of 50 a day.

6 Q. 50 assignments a day?

7 A. Yes. Could be less, could be more.

8 Q. When did you become a notary?

9 A. I believe it was February of maybe three years ago.

10 Q. Okay.

11 A. That would be almost three years ago this February.

12 Q. So February of 2005 is when you became a notary?

13 A. That does sound about right. No, I believe in '04.

14 MS. WELLINGTON: Six.

15 Q. '06. I'm sorry.

16 A. -- 6, yeah.

17 Q. I apologize. And why did you become a notary?

18 A. Because the position that we're in we need an in-house
 19 notary.

20 Q. And who needed an in-house notary?

21 A. Full Spectrum Services.

22 Q. And where is Full Spectrum Services located?

23 A. In Mount Laurel, New Jersey.

24 Q. And that's the office you work out of?

25 A. Yeah. I mean I've worked out of the Pennsylvania

THOMAS P. STRAIN

<p style="text-align: right;">9</p> <p>1 office also.</p> <p>2 Q. And where is the Pennsylvania office located?</p> <p>3 A. JFK -- it's in One Penn Center. I don't know the</p> <p>4 exact address.</p> <p>5 Q. And where is --</p> <p>6 A. Suburban Station.</p> <p>7 Q. Is your office next to Phelan, Hallinan and Schmeig's</p> <p>8 office?</p> <p>9 A. Yes, we're in the same building.</p> <p>10 Q. What's the relationship between Hallinan -- I'm gonna</p> <p>11 call it Phelan, Hallinan -- instead of saying Phelan, Hallinan</p> <p>12 and Schmeig I'm just gonna refer to it as Phelan or the law</p> <p>13 firm. Is that all right?</p> <p>14 A. Uh-huh.</p> <p>15 Q. What is your relationship with the law firm Phelan?</p> <p>16 A. We're a servicing company for them.</p> <p>17 Q. Do you service other firms?</p> <p>18 A. No.</p> <p>19 Q. Do you do any work for any other entity other than the</p> <p>20 law firm?</p> <p>21 A. No.</p> <p>22 MS. WELLINGTON: Wait. Just clarify. Are you</p> <p>23 talking about notarizing services or work in general?</p> <p>24 MS. SULLIVAN: Work in general.</p> <p>25 A. I mean we may get a rare request. So the company --</p>	<p style="text-align: right;">11</p> <p>1 Q. Are you a salaried employee?</p> <p>2 A. Yes.</p> <p>3 Q. And you're aware that as a notary you're a public</p> <p>4 officer?</p> <p>5 A. Yes.</p> <p>6 Q. And you're aware that as a notary you're licensed that</p> <p>7 way as a public officer?</p> <p>8 A. Yes.</p> <p>9 Q. And you're aware of the repercussions of false</p> <p>10 notarizations?</p> <p>11 A. Yes.</p> <p>12 Q. What are they?</p> <p>13 A. I don't know the exact -- I just know that you have</p> <p>14 to -- I don't know what the actual penalties are.</p> <p>15 Q. Well, do you think you can lose -- hold on one</p> <p>16 second -- are you aware of the Notary Public Law?</p> <p>17 A. No.</p> <p>18 Q. Are you aware that there are some rules and</p> <p>19 regulations that dictate what you need to do and not do as a</p> <p>20 notary?</p> <p>21 A. I pretty much know that like -- like know what I can</p> <p>22 and cannot notarize.</p> <p>23 Q. What sort of things can you not notarize?</p> <p>24 A. Like someone just can't mail me, a person I do not</p> <p>25 know, may not mail me a signature and ask me to notarize it.</p>
<p style="text-align: right;">10</p> <p>1 you know, so the company may Google like, you know, service</p> <p>2 companies. We may get the requests here and there for</p> <p>3 something like that, but that is even rare.</p> <p>4 Q. So you said you've acknowledged 50 assignments a day.</p> <p>5 How many assignments would you estimate that you've</p> <p>6 acknowledged?</p> <p>7 MS. WELLINGTON: Are you asking over the time</p> <p>8 frame that he's been a notary or a different time</p> <p>9 frame?</p> <p>10 Q. Yes, since you've been a notary.</p> <p>11 A. I do not know but it would be a large number.</p> <p>12 Q. A very large number. What kind of training have you</p> <p>13 had as a notary?</p> <p>14 A. Just by the notary course that is required before</p> <p>15 being appointed as one.</p> <p>16 Q. And the notary course in which state?</p> <p>17 A. Pennsylvania.</p> <p>18 Q. Are you a notary in the State of New Jersey?</p> <p>19 A. No.</p> <p>20 Q. And why are you not a notary in New Jersey?</p> <p>21 A. I do not know.</p> <p>22 Q. But you do work in New Jersey; is that correct?</p> <p>23 A. Yes.</p> <p>24 Q. And how many years have you worked in New Jersey?</p> <p>25 A. Three and a half.</p>	<p style="text-align: right;">12</p> <p>1 I have to be a hundred percent sure that it is that person's</p> <p>2 signature.</p> <p>3 Q. Let me ask you, what's your educational background?</p> <p>4 A. I have a Bachelor's degree in business.</p> <p>5 Q. And how old are you, sir?</p> <p>6 A. 27.</p> <p>7 Q. And are you aware that there's a \$10,000 bond required</p> <p>8 to be posted prior to becoming a notary?</p> <p>9 A. I may have been aware of that at the time. Right now</p> <p>10 I do not know.</p> <p>11 Q. Oh, okay. Well, did you post that bond?</p> <p>12 A. Not myself.</p> <p>13 Q. Do you know who might have?</p> <p>14 A. I do not know.</p> <p>15 Q. Might it have been the law firm?</p> <p>16 MS. WELLINGTON: Don't speculate.</p> <p>17 A. I do not know.</p> <p>18 Q. What is your standard practice for acknowledging these</p> <p>19 assignments?</p> <p>20 A. They're handed to me and I just make sure the</p> <p>21 signature on there is whoever signs it. The people at the</p> <p>22 attorneys that do sign it I am familiar with and I just make</p> <p>23 sure that's their signature and I will notarize it.</p> <p>24 Q. Is there an office handbook or anything like that at</p> <p>25 the firm that details the process for acknowledging these</p>

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1 assignments? 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	documents they're notarizing. As a notary his sole requirement is to verify that the signature on the document is in fact the actual signature of the person stated on the document. So to the extent that you're asking him about the contents of assignments or to make any legal determination as to the validity of the assignments, he is not qualified to testify as to that. MS. SULLIVAN: Well, my response is that absolutely he's qualified. As a notary there are rules and regulations as to acknowledging assignments, which is different than notarizing. And that's an area that I'm gonna delve into as there are different requirements for acknowledging an assignment as opposed to merely notarizing a signature. MS. WELLINGTON: Okay. So that maybe something that we need to go off the record and just get that. I'd like to see what exactly you plan on asking him and then we can set the parameters that way. MS. SULLIVAN: Off the record. (Discussion off the record). MS. WELLINGTON: What I am objecting to is not language that has to be included in the acknowledgment of the assignment. My objection is to this witness testifying as to the contents of the assignment, the
MS. WELLINGTON: I'm gonna have to ask you to clarify that question. It's a little vague. Q. Well, how many pages are these assignments generally? A. I believe, I'm not a hundred percent sure, but a couple. Q. Are the witnesses the same in -- MS. WELLINGTON: Well, I have to object because	14
MS. WELLINGTON: I'm gonna have to ask you to clarify that question. It's a little vague. Q. Well, how many pages are these assignments generally? A. I believe, I'm not a hundred percent sure, but a couple. Q. Are the witnesses the same in -- MS. WELLINGTON: Well, I have to object because	16
1 there's no foundation for that. We don't know. You 2 have to instill to him what a witness is. 3 Q. Well, let's talk about the assignments. What do these 4 assignments generally contain? 5 6 MS. WELLINGTON: I'm gonna only object on the 7 basis that Mr. Strain is here to testify as a notary, 8 not necessarily someone who has knowledge of the contents of the assignment. 9 10 MS. SULLIVAN: Well, I'll ask questions about 11 that. 12 Q. Who creates these assignments? 13 A. I do not know. 14 Q. You do not create the assignment? 15 A. No. 16 Q. Do you read the assignment before you notarize it? 17 A. No. 18 Q. You do not? 19 A. I mean I notarize the signature. 20 21 MS. WELLINGTON: Here's the objection that I'm 22 gonna put on the record. Mr. Strain is here 23 testifying as a notary. A notary is not required 24 under Pennsylvania law to understand the contents of 25 legal documents that they are notarizing. It would in fact be impossible in many instances for them to understand the technical legal aspects of the	1 legal aspect or the contents of the assignment. You 2 can ask him about the language required to be in the 3 acknowledgment. 4 5 MS. SULLIVAN: That's all I'm doing, right. 6 MS. WELLINGTON: That's excellent. My 7 objection is to him testifying or giving any testimony 8 as to what the assignment meant, who it was from, if 9 it's valid to go from A to B. He's only permitted to 10 testify to things that are A, B in the 11 acknowledgment. 12 13 MS. SULLIVAN: I think we're in agreement. 14 Q. So what I'm asking you about is the actual language 15 that you use for acknowledging these -- when I say 16 acknowledging, the assignment, meaning the actual -- there's a 17 signature and all that area, the acknowledgment section of an 18 assignment. And so why don't I just go to D-3 -- well, 19 actually before I do that, just generally speaking here -- 20 21 MS. WELLINGTON: Do you understand what she 22 says when she says acknowledgment? 23 24 THE WITNESS: That I'm acknowledging the 25 signature in the assignment. 26 27 MS. WELLINGTON: If you don't understand 28 something, that's okay. 29 Q. That's what's meant by the acknowledgement. When 30 you're doing these assignments, and you've done many of them,

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1 is the acknowledgement, and that's the part that you're -- you
 2 know what an acknowledgement is, right?

3 A. (Witness nodding).

4 Q. Are they different? Have you noticed that they're
 5 different?

6 A. I am under the impression that they are the same or at
 7 least along the same lines.

8 Q. Do you create the acknowledgment language?

9 A. No.

10 Q. And I think that you stated before you do not know who
 11 does; is that correct?

12 A. I do not.

13 Q. Now, in other assignments are the same people acting
 14 as witnesses?

15 MS. WELLINGTON: Again, I object. Lack of
 16 foundation as to what you mean by witness.

17 Q. Okay. Generally in assignments are there witnesses
 18 that observe the signatures?

19 A. I'm still not really following.

20 Q. How many people generally sign an assignment?

21 A. I believe just one.

22 Q. And who would that be?

23 A. That would be -- in this case it would be like Frank,
 24 how he signed the mortgage and then it would be myself after
 25 that. Like I would be notarizing it. So it would be two

1 acknowledgements you do are for New Jersey properties?

2 A. Do not know.

3 Q. That's fine. Do you know how many assignments that
 4 you've acknowledged for this same plaintiff before?

5 A. I have no idea.

6 Q. And do you know if you've done any other
 7 acknowledgements for other assignments for other securitized
 8 trusts?

9 MS. WELLINGTON: I'm just gonna object because
 10 it's assuming facts not in evidence or lack of
 11 foundation. You haven't established with this witness
 12 if this is assignments from a securitized trust.
 13 You're asking about other securitized trusts. And
 14 he's simply not qualified to testify about those
 15 things.

16 MS. SULLIVAN: We can come back to that.

17 Q. Well, I'm gonna show you this assignment. I'm gonna
 18 show you what's been marked previously as D-3. And I'm just
 19 gonna show you. It's two pages here. I want you to take a
 20 look at that. I believe you testified that you did not look
 21 at this document in preparation for your testimony today; is
 22 that correct?

23 A. Uh-huh.

24 Q. That would be --

25 A. I don't know if I seen this or not. I mean obviously

19

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1 signatures.

2 Q. Two signatures. Have you noticed in these assignments
 3 that there are ever corporate seals?

4 MS. WELLINGTON: And I want to caution the
 5 witness, again, because you're here testifying as a
 6 fact witness I don't want you to guess or speculate.
 7 So only tell us what you know.

8 Q. Have you noticed that there are corporate seals on any
 9 of these assignments that you've done before?

10 A. I have not noticed.

11 Q. Do you notice whether or not there's any kind of
 12 corporation or corporate action in any of the assignments?

13 A. I don't really know.

14 Q. And are you aware of the requirements of
 15 acknowledgement, what the rules are for acknowledgment in the
 16 State of Pennsylvania?

17 A. I am not.

18 Q. And are you aware of what the requirements or
 19 acknowledgements are in the State of New Jersey?

20 A. No.

21 Q. And are most of the acknowledgements that you do for
 22 assignments, and I'll be specific, are they for Pennsylvania
 23 properties?

24 A. I do not know.

25 Q. Do you know whether the majority of these

1 at the time when I notarized it I did see it, but obviously I
 2 see a lot of these.

3 Q. Yes. But your testimony was that you reviewed no
 4 documents for your testimony today; is that correct?

5 A. Yes.

6 Q. So you didn't see this before you prepared for this
 7 deposition?

8 A. No.

9 Q. I'll just bring your attention to the second page
 10 where it says "On 03/14 before me." I believe that says
 11 Thomas Strain. Is that your handwriting?

12 A. No, it is not.

13 Q. And then at the very bottom where it says "Witness my
 14 hand" -- I'm reading it upside down, I apologize. "Witness my
 15 hand and official seal." I think it says Thomas Strain. Is
 16 that your handwriting?

17 A. Yes.

18 Q. Do you recall this assignment?

19 A. No, definitely not. You know, I've had so many of
 20 them done.

21 Q. Sure. Well, let me ask you, you said over here that
 22 the name Thomas Strain, this is above the signature -- not the
 23 signature line but the paragraph before, that the Thomas
 24 Strain is not your handwriting. Is the 03/14/08 your
 25 handwriting?

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21	23
1 A. No.	1 A. He's one of my bosses. I mean I see him around the office.
2 Q. Do you recognize the handwriting?	2 Q. And when you say he's one of your bosses, you mean he
3 A. I do not.	4 works for Full Spectrum Services, FSS?
4 Q. Do you know what date you notarized this document?	5 A. Yeah, I mean he's one of the owners of it.
5 A. I do not.	6 Q. And how many years have you worked with Francis S. Hallinan?
6 Q. And you've testified earlier that you did not create this document?	7 A. Three and a half, give or take a few months or whatever.
8 A. I did not.	8 Q. Do you work in the same building as Francis S. Hallinan?
9 Q. Who gave you this document?	9 A. On occasion. Depends. You know, he may be in another office I may be.
10 A. I am not even sure.	10 Q. So Francis S. Hallinan is an attorney; is that correct?
11 Q. Who usually gives you these assignments?	11 A. Yes.
12 A. It may have been John Capparelli.	12 Q. And Francis S. Hallinan is a part owner of FSS?
13 Q. Is Mr. Capparelli an attorney?	13 A. Yes.
14 A. No. Frank Hallinan probably gives it to him. I don't want to even say because I don't know what the procedure is.	14 Q. Now, this assignment indicates that Francis S. Hallinan is an Assistant Secretary and Vice President of Mortgage Electronic Registration Systems; is that correct?
15 MS. WELLINGTON: If you do not know don't make it up.	15 A. I'll show that to you right here.
16 THE WITNESS: Yes.	16 Q. I only -- yes, as far as that says.
17 Q. Did Francis S. Hallinan give it to you?	17 Q. What kind of verification did you have when you were making this acknowledgment that Francis S. Hallinan was a Vice
18 A. I do not know.	22
19 Q. Has Francis S. Hallinan ever given you assignments to acknowledge?	1 A. President and Assistant Secretary of Mortgage Electronic Registration Systems?
20 A. I don't know.	2 A. Just from being with the company for so long, word of mouth. I just know.
21 Q. Has Francis S. Hallinan ever given you assignments to acknowledge?	3 Q. You say just know. Who told you?
22 A. I don't know.	4 A. I do not know.
23 Q. You don't remember or you don't know?	5 Q. Is Mortgage Electronic Registration Systems a company such as FSS, that is, works in relationship to the law firm?
24 A. I don't remember. Same thing pretty much.	6 Q. MS. WELLINGTON: Don't speculate if you don't know.
25	7 Q. I was gonna say, I do not know.
26	8 Q. What is your basis of knowing that he is an Assistant Secretary and Vice President of Mortgage Electronic Registration Systems?
27	9 A. I do not know.
28	10 Q. Are there other people that you've notarized for who are Assistant Secretary and Vice President of Mortgage Electronic Registration Systems?
29	11 A. I'm not sure.
30	12 Q. When you look at these acknowledgements, or I'm sorry, these assignments, do you read the front page to see what basically the bulk of the document says?
31	13 A. No.
32	14 Q. What do you concern yourself with in these assignments?

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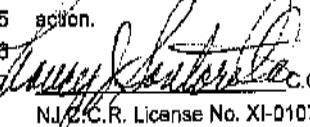
25	27
1 A. The signature.	1 want you to talk about what you did in this case.
2 Q. Now, I'm gonna go over here now to the second page	2 THE WITNESS: You want me to -- I mean I don't
3 where it says "On March 14th, '08 before me, Thomas Strain, a	3 know. I just know about the signature.
4 Notary Public, personally appeared Francis S. Hallinan,	4 Q. Do you feel this is the right way to acknowledge an
5 Assistant Secretary and Vice President, who proved to me on	5 assignment, with that kind of language?
6 the basis of satisfactory evidence to be the person whose name	6 MS. WELLINGTON: Object to the form of the
7 is subscribed to the within instrument and acknowledged that	7 question, the right way.
8 he/she executed the same in her authorized capacity and that	8 Q. Is it your understanding with your training as a
9 by her signature on the instrument the entity upon behalf of	9 notary and your understanding of what needs to be acknowledged
10 which the person acted executed the instrument." Why did you	10 in an assignment because you've had the training; is that
11 acknowledge Francis S. Hallinan to be a she when he was a he?	11 correct?
12 A. I do not know.	12 A. I'm losing you.
13 Q. Is it your testimony that Francis S. Hallinan is a he?	13 Q. I'll be real simple. Based on your training as a
14 MS. WELLINGTON: Objection. He absolutely has	14 notary is it your understanding that this language is correct
15 given no testimony as to the gender identity of Mr.	15 from your standpoint as a notary in order to effectuate an
16 Hallinan.	16 acknowledgment of this assignment?
17 MS. SULLIVAN: Well, I think he's referred to	17 A. I'm not exactly sure. I did think it was.
18 him as Frank and has said he before.	18 Q. Okay, that's fine.
19 Q. So is it your testimony that Francis S. Hallinan is a	19 A. Aside from the her.
20 male?	20 Q. Sure.
21 A. He is.	21 MR. BLAKE: Nice save.
22 MS. WELLINGTON: Perhaps I think the confusion	22 MS. SULLIVAN: Let me just take one minute.
23 is is that instead of asking him if it is his	23 (Brief recess).
24 testimony that you can just ask him the question is	24 Q. I'm just gonna back up again about that error. Is it
25 he a man and then that he can answer. We won't run	25 your -- well, specifically to this assignment, is it your
26	28
1 into problems of whether or not it's mischaracterizing	1 testimony that Francis Hallinan never appeared before you that
2 previous testimony or whether it's testimony that	2 day?
3 hasn't been given. I think that's where the problem	3 A. I do not know.
4 for me is coming up.	4 Q. Did he ever in making these assignments?
5 Q. He's a guy, right?	5 A. I am not sure.
6 A. He is.	6 Q. You don't remember if he ever appeared personally
7 Q. When you've done assignments in the past have you	7 before you?
8 noticed that there are errors?	8 A. I don't recall. I've been working there for, you
9 A. I have not. I mean I don't -- I don't know if I've	9 know, three and a half years and this was a long time ago.
10 noticed before.	10 Q. Has he ever come up to you and said hey, I need you to
11 Q. Have you made corrections when you've seen errors?	11 acknowledge this?
12 MS. WELLINGTON: Well, again --	12 MS. WELLINGTON: I'm gonna object to only asked
13 Q. Let me back up. Let me back up. Have you ever	13 and answered because he has said that he does not
14 noticed errors in these documents before?	14 know. So I don't think any amount of prodding is
15 A. I'm not sure.	15 going to make him know.
16 Q. So you don't recall ever --	16 Q. Have other attorneys given you assignments to
17 A. Yeah, exactly.	17 acknowledge?
18 Q. Is it your understanding that the section I just read	18 A. I'm not sure.
19 to you starting from March 14th and this whole paragraph here,	19 Q. So the only person that you recall, and I've already
20 and I'll let you look at that again, is that how you typically	20 forgotten his name, was Mr. Capparelli?
21 acknowledge these assignments, with that kind of language?	21 A. All the -- all the -- he is not an attorney. He
22 MS. WELLINGTON: And I don't want to -- again,	22 doesn't do the assignments. He's just someone who may, you
23 these are only facts. So I don't -- questions like	23 know, give me them from Frank, pretty much dropping something
24 typically trouble me because I don't want you to start	24 off to me.
25 getting into what you typically do. I really just	25 Q. I see.

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1 A. He has nothing to do with it.	1 A. No.
2 Q. He delivers them to you?	2 Q. Did you do any other notary work outside of Phelan, Hallinan and Schmeig?
3 A. Yes.	4 A. No.
4 Q. I see. I see. And it's your testimony that you average about 50 of these a day?	5 Q. Were there any other attorneys that you notarized documents for outside of Phelan, Hallinan and Schmeig?
6 A. That's not an exact number. I do not know.	7 A. No.
7 Q. Yes, right.	8 Q. So all of the attorneys that you notarized for were people that you were personally familiar with?
8 MS. SULLIVAN: I don't have any other questions.	10 A. Yes.
9 BY MS. WELLINGTON:	11 MS. WELLINGTON: I have no further questions.
10 Q. I just have a couple of follow-up questions for you. And if we could get D-3 back in front of him. And, again, these are just clarification questions. First, I just want to make sure that we have clearly established you have met Frank Hallinan, Francis Hallinan in person; is that correct?	12 BY MS. SULLIVAN:
11 A. Yes, many times.	13 Q. Just one other. You testified that there are some people who are authorized to sign these assignments; is that correct?
12 Q. You are familiar with Frank Hallinan –	14 A. Yes.
13 A. Yes.	15 Q. Is everyone authorized to sign these assignments at the law firm, all the attorneys I mean?
14 Q. -- as an individual person?	16 A. I'm not sure.
15 A. Yes.	17 Q. Who's authorized to sign these assignments?
16 Q. You are familiar with his signature?	18 A. MS. WELLINGTON: And just I'm gonna caution you off the top of your head I don't want to guess and get 21 the wrong people.
17 A. Yes.	22 Q. I don't know.
18 Q. And you've testified that you have seen him on occasion actually sign a document?	23 Q. How do you know there is authorization if you don't
19 A. Yes.	30 32
20 Q. So you have personal knowledge of his signature?	1 A. know who's supposed to be authorized?
21 A. Yes.	2 Q. MS. WELLINGTON: I don't understand that question.
22 Q. Looking at D-3, sitting here today are you able to identify the signature above the typewritten name Francis S. Hallinan as the signature of the Francis S. Hallinan you know?	3 Q. You said that you know there are some people who are authorized to sign and some people who aren't authorized to sign; is that right?
23 A. Yes.	4 A. Yes.
24 Q. We talked about the word her as opposed to him in the acknowledgement paragraph. Does that error alter the fact that this is Frank Hallinan's signature?	5 Q. And then I asked who's authorized to sign and you said you don't know?
25 A. No.	6 A. Yes. I mean I can't name –
26 Q. You testified that you worked at what we were calling FSS, Full Spectrum Services, and you also testified that there is a relationship between FSS and Phelan, Hallinan and Schmeig, the law firm, which we were also calling it the law firm?	7 Q. Are we talking about hundreds of people who are authorized to sign?
27 A. Yes.	8 A. I'm not sure.
28 Q. In your capacity with FSS, in your capacity as notary were you aware that certain attorneys at the law firm were authorized to sign assignments of mortgage?	9 Q. Are we talking – can you name a few people?
29 A. Yes.	10 A. I cannot.
30 Q. And in your capacity as a notary were you relying on that knowledge when you notarized these assignments?	11 Q. Can you name one person?
31 A. Yes.	12 A. Francis Hallinan.
32 Q. Did you notarize assignments for any entity other than Phelan, Hallinan and Schmeig?	13 Q. Don't forget the S. And anybody else other than Francis S. Hallinan?
33 A. No.	14 A. I'm not sure.
34 Q. MS. WELLINGTON: I don't want you to -- I don't want him speculating. That's fine.	15 Q. MS. SULLIVAN: I don't have any other questions.
35 A. No.	16 Q. (Deposition concluded at 4:10 p.m.)

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2 CERTIFICATE OF OFFICER
34 I, NANCY J. SANTORELLA, a Certified Court Reporter of the
5 State of New Jersey, do hereby certify that prior to the
6 commencement of the examination the witness was duly sworn by
7 me.8 I DO FURTHER CERTIFY that the foregoing is a true and
9 accurate transcript of the testimony as taken stenographically
10 by and before me at the date, time and place aforementioned.11 I DO FURTHER CERTIFY that I am neither a relative nor
12 employee, nor attorney or counsel to any parties involved;
13 that I am neither related to nor employed by any such attorney
14 or counsel, and that I am not financially interested in the
15 action.16 
17 Nancy J. Santorella C.C.R.
18 NJ C.C.R. License No. XI-01075

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